

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

MARVIN REEVES, JR.
ADC #119838

PLAINTIFF

V.

2:08CV00047 SWW/JTR

GREENE, RN Administrator,
East Arkansas Regional Unit, et al.

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge Susan Webber Wright. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Clerk no later than eleven (11) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the United States District Judge, you must, at the same time that you file your written objections, include a "Statement of Necessity" that sets forth the following:

1. Why the record made before the Magistrate Judge is inadequate.

2. Why the evidence to be proffered at the requested hearing before the United States District Judge was not offered at the hearing before the Magistrate Judge.
3. An offer of proof setting forth the details of any testimony or other evidence (including copies of any documents) desired to be introduced at the requested hearing before the United States District Judge.

From this submission, the United States District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

I. Discussion

On April 7, 2008, Plaintiff, who is currently incarcerated at the East Arkansas Regional Unit of the Arkansas Department of Correction, filed a *pro se* § 1983 Complaint, an Application to Proceed *In Forma Pauperis*, and a Motion for Appointment of Counsel. See docket entries #1, #2, and #3. On April 9, 2008, Plaintiff filed a Motion seeking permission to dismiss this action, without prejudice, because he has not fully exhausted his administrative remedies within the prison system. See docket entry #4. The Court finds good cause for granting Plaintiff's request.

II. Conclusion

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's Motion for Voluntary Dismissal (docket entry #4) be GRANTED, and this case be DISMISSED, WITHOUT PREJUDICE.
2. The Court CERTIFY, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis*

appeal taken from any Order and Judgment adopting this Recommended Disposition would not be taken in good faith.

3. Plaintiff's Application to Proceed *In Forma Pauperis* (docket entry #1) and his Motion for Appointment of Counsel (docket entry #3) be DENIED, AS MOOT.

Dated this 10th day of April, 2008.


UNITED STATES MAGISTRATE JUDGE